



Town of Carlisle

MASSACHUSETTS 01741

Office of
PLANNING BOARD

Phone: (508) 369-9702

Fax: (508) 369-4521

**872 WESTFORD ST.
CARLISLE, MA. 01741**

MINUTES AUGUST 14, 1995 MEETING

CONTINUED PUBLIC HEARING ON COMMON DRIVE FOR LES BISHOP

Chair Colman opened the meeting at 7:20. Present were board members Duscha, LaLiberte, Hengeveld, Yanofsky and Tice. The minutes of July 24, 1995 were approved as amended on a motion by Hengeveld, seconded by Yanofsky. Voting to approve were Hengeveld, Duscha, LaLiberte and Yanofsky; Colman and Tice abstained. Bills were approved for payment as submitted.

Public hearing continued, common drive for Les Bishop At 7:35, the public hearing on the special permit application of Les Bishop for a common drive on Rutland St. was reopened, having been continued from July 24, 1995. Bishop presented the changes in his plan which he had made as a result of comments from the board's consultant, John Judd of LandTech, in his second letter of August 3, 1995, and as a result of board comment at the first session of the hearing. These were:

A guard rail has been added at steep slopes in fill areas. Contrary to Judd's recommendation for steel, Bishop has specified pressure treated wood to be used, feeling wood more closely met the aesthetic needs of a common drive and the low level of use of a common drive.

Slopes have been limited in the typical cross section to no greater than 3:1; and where ever side slopes have a grade of greater than 5%, riprap will be installed.

To meet the verbal concerns of the fire chief regarding the 25' diameter of the cul-de-sac, Bishop has not redesigned, but has volunteered to grass or pave over the island, and to stipulate it be maintained this way, so that emergency vehicles may drive straight across it to enter directly into the two private drives on the cul-de-sac. Additionally, these two drives have been relocated to make such a route easier.

The curve in the drive which had shown a 40' radius has been widened to a 50' one. Bayne then referred the board to her memo of August 14, 1995, and to the amended maintenance agreement, which had been distributed that evening.

She reported that the issues she had raised at the initial night of the hearing had been addressed. These were that the turnouts be specifically required to be kept open and free of snow, mulch, loam or any other material; that vehicular access to the lots must only be

through the common drive; and that the sign naming the drive and numbering the homes be maintained.

She noted that if the cul-de-sac size issue is resolved in a manner which involves the placement of the two abutting private drives, that location must be included in the easement and stipulated in the maintenance agreement, and these must both be built before either home can be occupied. Bishop pointed out that the common drive easement already is large enough to include the intersection of these two drives with the common drive.

Bishop explained that he had reviewed the list of possible historic names provided by the P.A., and had come to the conclusion that only Adams was a desirable name, and that seemed desirable and important enough to merit use as a street name. He had, consequently, chosen a descriptive name, Overlook Drive. He is willing, he stated, to modify his choice if the board requires it. Tim Morse, abutter, arrived.

Colman asked whether the sight distance on the inside of the curve in the drive could also be maintained via the maintenance agreement. Bishop replied that the grade change here is 9 feet, and that the grade of the earth itself limits the view, not the trees, and that to some extent, it is desirable to allow natural vegetation to regrow on these steep slopes to prevent erosion.

The issue of the cul-de-sac design was raised by Colman, who stated that Fire Chief Koning was concerned not only for entering the private drives, but for exiting them as well. Additionally, there is the possibility emergency vehicles will overshoot the correct private drive, therefore necessitating backing up to reach the emergency site. The P.A. was instructed to consult Judd for a solution, with members noting that the T turn mentioned as a possibility in his Aug. 3 letter requires backing.

Duscha asked if the entrances to the private drives could be flared out to allow easier turning. Bishop replied that they could be. The plan does not yet show widening of the paved way at the curve to 16', as Bishop had said he would do to accommodate driver and pedestrian safety.

Bishop then mentioned that there had been a preliminary discussion with the ConsCom, who had suggested the fill in the wetland could be reduced by creating steeper slopes in the fill areas; he asked the board to consider 2:1 slopes there. These would be areas where the revised plan shows guard rails.

Duscha asked whether foot access through the parcel to Rangeway could be provided. Bishop responded that the site is so tightly constrained by wetland that there is no area where such a trail could go without coming very close to homes or running over septic locations. Morse stated that he was horrified to hear the suggestion; he wishes no one walking through his lot, nor does he think buyers of these lots would want that. Board members suggested the walkers would be likely to be neighbors, not strangers, and they would most likely not come in cars. Bishop replied the best access to Rangeway would be the direct access from East St. or Rutland at either end. LaLiberte cautioned the board that the "taking" case on which he recently reported to the board might apply to a situation like this in which no public need has been demonstrated, and where other access exists. Colman pointed out that the Trails Committee had been notified of the application, had sent representatives to the first session of the hearing, and had made no further comment. He felt that without their contribution, there is no need to try to impose a trail on the applicant.

Colman asked about the issue of sight distance to the north on Rutland St. as raised by Judd. Bishop replied that again the sight distance is limited not by trees or vegetation, but by the grade itself.

The P.A. commented that as two members who have sat on both sessions of this hearing will be away on Aug. 28, the board will need to continue the hearing to a later date than that, or close the hearing subject to resolution of the cul-de-sac issue. LaLiberte moved, and Yanofsky seconded, that the hearing be closed. Colman, LaLiberte, Hengeveld, Duscha and Yanofsky voted in favor. LaLiberte moved, and Yanofsky seconded, that the proposal called Overlook Drive be approved subject to the following, the first two of which must be satisfactorily completed by Sept. 11: LandTech review and approval of changes to the design of the cul-de-sac for safety purposes; amendment of the covenant to specify those changes relevant to the design of the cul-de-sac and any other necessary changes; the board's ability to reconsider the name of the common drive. There being no further comment or discussion from the board or the public, the vote was taken; Duscha, Yanofsky, Colman, LaLiberte and Hengeveld voted in favor. The hearing was closed at 8:10. Bishop will reappear at 7:30 on Sept. 11.

Carlisle 2000 Tim Morse explained that he was present as a member of the Carlisle 2000 Committee, and he hoped to learn what the planning board does, and how it interacts with other boards. The board explained its statutory role, and its independence in being elected and responsible only to the electorate. Morse asked if the plan just reviewed had been discussed with ConsCom, and whether such a plan could be "killed" by interboard disagreement. Board members explained that the two boards have responsibility for the administration of different and sometimes conflicting state laws, but that the board sends a representative to ConsCom so that issues can be known and discussed in an attempt to benefit all. Colman and Yanofsky left the meeting at this time, and Vice Chair Hengeveld assumed chairmanship of the meeting.

Ice Pond extension LaLiberte recused himself from this discussion. Members discussed whether to extend the expired approval of this subdivision, which is almost complete. Members agreed that it made sense for the sake of the town and for the developer that it be clear that he continues to operate under the law and under planning board approval. Members asked the P.A. if Hebb desires to extend. She replied that he does. Tice moved and Duscha seconded that Hebb be invited to a meeting, preferably the Sept. 11, 1995 one, to discuss such extension, submitting before, or bringing with him, an updated schedule of completion with a progress report. Duscha, Hengeveld and Tice voted in favor of the motion.

Tall Pines progress: inspection process, wall removal Hengeveld recused herself from the discussion. Bayne referred to her Aug. 14 memo describing the proposed process for inspection of this large subdivision. It includes both the steps required in the subdivision regs, and additional communication between Judd and March regarding March's weekly inspection for the road builder, John Melone. March will send copies of his reports on the accuracy of the installations to Judd, with the expectation that any divergence from the approved plan can be caught early. Judd will report on these to the board only if there are problems which cannot be corrected. He will make the usual reports on the required inspections. Costello has verbally approved the additional inspection work; Bayne will get a letter of authorization from him on his return from his vacation. The board approved this

process. Bayne then explained that construction is moving rapidly, and a drainage structure inspection may be requested before she returns from vacation. She asked who would be available to attend the inspection. Colman will be asked whether he wishes to act in that capacity. If inspection can be set for 8:00 am, Tice will attend. Duscha will make herself available also. Last, the P.A. explained that the wall which some passersby had reported removed was, according to the approved plan, on private property, was removed according to the plan, and is already being rebuilt in the location shown on the plan. The wall had to be dismantled, even if it were not to be relocated, because the board had requested the removal of some trees for sight distance improvement. These were on Swanson's land behind the wall, and the roots had grown under the wall. The board agreed that the P.A. should tell Melone to continue his work, but asked her to confirm from another source what assumptions can be made where a property line abuts a street which has not been laid out.

ANR: Cranberry Hill Lane and Martin St. for Moschini In response to a request from Moschini, the board voted, on a motion by Duscha seconded by LaLiberte, to extend the decision date to Aug. 28. Hengeveld, LaLiberte, Tice and Duscha voted in favor of the extension.

Sale of lot 7, Mill Pond Lane, now in Ch. 61B protection Members discussed whether to take any position on the possible purchase of this land by the town. Duscha offered to make sure the Trails Committee knows about it. LaLiberte moved and Duscha seconded that, if the possibility for purchase is publicized, and no public interest is raised by such publicity, the board take no action. The board voted to support the motion, with LaLiberte, Duscha, Hengeveld and Tice in favor. Discussion brought out the facts that the town has 120 days to respond and purchase takes town meeting action.

Addressing a last item from the P.A.'s memo regarding the Rutland St. common drive lots, members asked her to obtain from Bishop a letter explaining the method used to lay out the frontage on lots E and D. If the calculation meets the requirement for the town's zoning definition of frontage, she is to ask the applicant to have the 40' dimension written in on the plan.

SROSC bylaw intent The P.A. asked whether members wished to offer interpretations of the intent of two sections of the bylaw. Of members present, only Duscha had been on the board when the bylaw was written. Regarding the first issue, she was of the opinion that wells for residential use were not meant to be allowed in the open space. Regarding the second issue, members discussed whether, if the intent of the set backs between residential buildings is fire safety, the term "residential buildings" then applies to dwellings only or to all structures. On this issue, the board felt the decision should be made on a case by case basis; for example, there might be alternate safe access to any residential building, and in that case, setbacks between residential buildings and garages might be reduced.

The meeting was adjourned at 9:40.

Submitted by Sandy Bayne, planner assistant